



BUILDING AND STANDARDS COMMISSION MINUTES

**REGULAR MEETING
Tuesday, March 3, 2015**

The Building and Standards Commission convened in a regular meeting on Tuesday, March 3, 2015, at One Texas Center, 505 Barton Springs Road, Austin, Texas.

Board Members in Attendance: David Brown, Chair; Steven Alloway, Vice Chair; Commissioner Charles Cloutman; Commissioner Craig Wright; Commissioner Daniel Gonzalez; Commissioner Melissa Orren; and Commissioner Jessica Mangrum (recused herself).

Chairman David Brown called the board meeting to order at 6:34 p.m.

Staff in Attendance: Christopher Moore – BSC Coordinator; Marcus Elliott – Acting Division Manager; Daniel Cardenas – Assistant Director; Robert Harris – Assistant City Attorney; Carl Smart – Director; Merlinda Coleman – Program Specialist; Edgar Hinojosa – Assistant Division Manager; Douglas Jansky – Administrative Hearing Coordinator; Chris Maldonado – Code Officer; Ron Russell – Code Officer; Stephen Oswalt – Code Officer; Matthew Noriega – Assistant Division Manager; Todd Wilcox – Division Manager.

1. CITIZEN COMMUNICATION: GENERAL

Citizen Kevin McDonald spoke and provided a list of questions asking: What is the City's involvement to in relation to the construction, permitting, and code enforcement of 4801 S. Congress Avenue?

2. PUBLIC HEARINGS: Commission Coordinator, Chris Moore, presented the following cases:

A. 4801 S. Congress Avenue:

**CL-2014-019420 Building A; CL-2015-019433 Building B; CL-2015-019442 Building C;
CL-2015-018340 Building D; CL-2015-019128 Building E; CL-2015-019302 Building F;
CL-2015-019494 Building G; CL-2015-019509 Building H; CL-2015-019560 Building J;
CL-2015-019585 Building K; CL-2015-019584 Building L; CL-2015-019612 Building N;
CL-2015-019636 Building P; CL-2015-019301 Building Q; CL-2015-019675 Building R;
CL-2015-019693 Building S; and CL-2015-019747 Building T**

4801 S. Congress Avenue, aka Bel Air Condominiums or Bel Air Lofts, is a 17-building, 83-unit condominium complex built in 2006. The property was represented by Matthew Pearson and Michelle Bartley, attorneys, and Mehryar Kavoussi, president of Bel Air Home Owner's Association.

Code Officers Stephen Oswalt and Todd Wilcox provided testimony as to the violations found on the property and why the city found this property is in violation of International Property Maintenance Code, as adopted by reference, in Sections 25-12-211, et seq., of the Austin City Code and is therefore a public and attractive nuisance with dangerous and substandard conditions.

City Staff recommended the following to the Commission: The Commission admit exhibits 1,2, 3, 4A through 4M; adopt the proposed findings of fact and conclusion of law for 4801 S. Congress Avenue and to issue an order that requires the property owner or property owner's representative to secure all necessary permits; correct the cited violations as described in the updated engineer's report within 60 days from the date the order is mailed to the owner; order all repairs and modifications to meet or exceed the requirements of all applicable codes; order the owner or owners' representative to request inspection and verify compliance. After 60 days, a penalty of \$1000 per building, unit per week per shall be assessed until work is completed with final inspections passed.

Chair Brown admitted the exhibits and photographs.

Testimony was given by Mr. Pearson as to the status of the pending litigation between the HOA and the builders on the condominiums. Mr. Pearson made a request to the Commission to place the case in abeyance

Testimony was given by several home owners voicing their concerns.

Commissioner Gonzalez made a motion to adopt the findings of fact and conclusions of law of staff, but motioned to place the case in abeyance for 60 days and requiring the HOA to provide an engineer's report by the next meeting concerning this case with updates in the interim.

Commissioner Cloutman seconded. Vote was taken; motion passed unanimously.

3. BRIEFING, DISCUSSION AND POSSIBLE ACTION

4. FUTURE AGENDA ITEMS

ADJOURNMENT

With motion made by Commissioner Cloutman, seconded by Commissioner Orren and no dissent, the Commission meeting was adjourned by the Chair at 7:46 p.m.